

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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December 23, 2022

Via ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: United States v. Council
22 Cr. 49 (PAE)**

Dear Judge Engelmayer:

I write on behalf of Rashiem Council, and with the consent of the government, to respectfully request an adjournment of Mr. Council's January 25, 2023 sentencing (and all associated filing deadlines) until after the February 24, 2023 *Fatico* hearing the Court has scheduled in the matter of *United States v. Garcia*, 22 Cr. 49 (PAE). This is the defense's first request for an adjournment of sentencing.

As the Court has recognized, the disputed facts at issue in Mr. Garcia's case are relevant to Mr. Council's sentencing. Accordingly, we request an adjournment of Mr. Council's sentencing until approximately one month after the February 24, 2023 *Fatico* hearing.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/


Neil P. Kelly
Assistant Federal Defender
(212) 417-8744

cc: Counsel of record

GRANTED. Sentencing is adjourned to March 28, 2023 at 10:30 a.m. The parties shall serve their sentencing submissions in accordance with this Court's Individual Rules & Practices in Criminal Cases. The Clerk of Court is requested to terminate the motion at Dkt. No. 76.

SO ORDERED.

12/27/2022



PAUL A. ENGELMAYER
United States District Judge